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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,984	03/06/2007	Tore Hassel Sorensen	53550.81	3725

7590 11/24/2009
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EXAMINER

STEPHENSON, DANIEL P

ART UNIT	PAPER NUMBER
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3676

MAIL DATE	DELIVERY MODE
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11/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,984	Applicant(s) SORENSEN, TORE HASSEL	
	Examiner DANIEL P. STEPHENSON	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-29,31-40,42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-29,31-40 and 44 is/are allowed.
- 6) ☒ Claim(s) 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 42 is rejected under 35 U.S.C. 102(b) as being anticipated by Calhoun et al (US 4,354,554). Calhoun et al. discloses (fig. 4C) a pipe section (154) that has an enlarged section. The enlarged section defines a chamber with an annular seat at the bottom of the chamber. There is an inwardly directed annular shoulder (173) below the enlarged section. There is a plurality of venting holes (161) in said enlarged section.

With regards to the limitations that the seat is for receiving a plug thereon, that the annular shoulder is for receiving an annular device thereon after removal of the plug, and that the holes are for venting air from between glass elements of the plug it is noted that these are functional limitations. As long as the pipe section presented is capable of the function disclosed then it meets the limitations of the claim.

3. Claim 42 is rejected under 35 U.S.C. 102(b) as being anticipated by Kammerer, Jr. (US 3,306,365). Kammerer, Jr. discloses (fig. 2) a pipe section (10) that has an enlarged section. The enlarged section defines a chamber with an annular seat (the taper just below the venting holes 22) at the bottom of the chamber. There is an inwardly directed annular shoulder (44) below the enlarged section. There is a plurality of venting holes (22) in said enlarged section.

With regards to the limitations that the seat is for receiving a plug thereon, that the annular shoulder is for receiving an annular device thereon after removal of the plug, and that the holes are for venting air from between glass elements of the plug it is noted that these are functional limitations. As long as the pipe section presented is capable of the function disclosed then it meets the limitations of the claim.

Allowable Subject Matter

4. Claims 27-29, 31-40 and 44 are allowed.

Response to Arguments

5. Applicant's arguments filed 7/23/09 have been fully considered but they are not persuasive.

6. It is the assertion of the applicant that the Calhoun and Kammerer references do not disclose "an enlarged section defining a chamber with an annular seat at a bottom of said chamber ...". It also states that both of the pipes of Calhoun and Kammerer are of uniform diameter along the entire length thereof. The examiner respectfully traverses this assertion. First, it is noted that while the pipes of Calhoun and Kammerer do have a uniform outer diameter, they do not have a uniform inner diameter. The claims are directed toward an "enlarged section" which has been broadly read as a portion of the pipe with a larger inner diameter than another portion of the pipe.

7. It is the assertion of the applicant that the "annular shoulder" of Kammerer is located within the expanded section and not below it, as required in the claim. The examiner respectfully traverses this assertion. Again, it is noted that the terms "enlarged section" does not

inherently refer to the outer diameter of the pipe. If taken as meaning an inner diameter enlarged section then the annular shoulder (44) is located below the enlarged chamber of the pipe.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL P. STEPHENSON whose telephone number is (571)272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on (571) 272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL P STEPHENSON/
Examiner, Art Unit 3676